1945

File No. Paper control III/45

Legal Deptt

B **BRANCH**

Subject:— Rules and Notifications under the Paper control Distribution Order 1944

1945

File No. Paper control III/45

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82-B

Office of the R.L.A.

The notifications which the Paper Controller seems to have in mind are five in number:

(1) No.300-PA(17)/44.

(2) No.302-PA(63)/44.

(3) No.308-PA(96)/44.

(4) No.308-PA(97)/44.

(5) No.308-PA(98)/44.

Each of these notifications has reference to a clause in a Paper Contolxxx Order which clause is of this type:

Any officer empowered in this behalf by the Central Government may -

(a)

(b)

(c)

Thus the clause provides for the exercise of two kinds of powers. The first kind is the power of the Central Government to empower an officer. The second kind of power is that with which the officer is empowered by the Central Government. The five notifications in question purport only to delegate to the Provincial Government the first kind of power, viz. the power to empower an officer. The first two notifications carry out that purpose in one way and the three other notifications carryit out in another way. But all the five notifications purport to do the same thing. None of the notifications empowers the Provincial Government to exercise any of the specific powers (a)(b)(c) with which an officer may be empowered. There seems to be some misunderstanding of the notifications in the Paper Controller's office. It is not clear what the exact difficulty is

Id/- P.N.M. 30/1/45
Remembrancer of Legal Affairs.

U.R. to F.D.(Supply), No.934, dated the 31st January 1945.

14.7.

Office of the R.L.A.

Five separate draft notifications under each of the Orders referred to in the draft notification at page 23 ante are sent herewith.

2. It would not be desirable as proposed by Finance Department (Supply) to authorise the Inspectorial staff by name as every time there is a change in the personnel it will be necessary to amend the notification concerned. The revised draft therefore refers only to the designation of the officers concerned. In view of the difference in the designations as described on page 15 ante and in the Finance Department (Supply) draft notification at page 23, they should be checked by the Department before issuing the notifications.

3. As regards the question whether the publication of the notifications in question in the manner suggested by Finance Department (Supply) is sufficient for the purpose of sub-rule (1) of rule 119 of the Defence of India Rules, attention is invited to the Finance Department (Supply) Circular No.673/Estt, dated 14th July 1945. In each case it would be for the authority, officer or person making an order under the Defence of India Rules to decide whether the manner in which it is proposed to publish notice of the order is best adapted for informing persons whom the order concerns.

4. Finance Department (Supply) Notification No. 37/29517-W-B, dated 23rd December 1944 which it is proposed to supersede was issued in exercise of the powers conferred by the Government of India Notifications mentioned in that notification. The Government of India Notifications referred to have been subsequently cancelled and in view of

this the notifications issued by the Government of Bombay in exercise of the powers conferred by the Government of India Notifications no longer survives. It may, however, be formally cancelled by a separate notification. A draft notification for the purpose is also sent herewith.

Sd/- P.H.M.
20/12/45

Remembrancer of Legal Affairs.

U.O.No. to F.D.(Supply), No.8572, dated the 21st December 1945.

RHB.
14.7.

NOTIFICATION

Finance Department (Supply),
Bombay Castle, December 1945.

No. In pursuance of clause 40A of the Paper Control (Economy) Order, 1944, read with the Notification of the Government of India in the Department of Industries and Civil Supplies, No.300-PA(17)/44, dated the 2nd December 1944, the Government of Bombay is pleased to authorise the following Officers within their respective jurisdiction for the purposes of sub-clauses (a), (b), (c) and (d) of the said clause 40A, namely:-

(i) The Paper Controller, Government of Bombay,

(ii) The Chief Paper Control Inspector,

(iii) The Deputy Chief Paper Control Inspectors,

(iv) The Divisional Paper Control Inspectors, and

(v) The Assistant Paper Control Inspectors.

With reference to sub-rule (1) of rule 119 of the Defence of India Rules, the Government of Bombay is pleased to direct that notice of the above Order should be given by-

(i) the publication of the same in the Bombay Government Gazette;

(ii) the issue of a Press Note explaining its provisions;

(iii) the publication of the same in the following newspapers, namely:-

(Here specify the newspapers)

; and

(iv) Supplying copies thereof to the following paper Associations, namely:-

(Here specify the Associations).

By order of the Governor of Bombay,

Secretary to Government.

HB. 14.7.

NOTIFICATION.

Finance Department (Supply),
Bombay Castle, December 1945.

No. -The Government of Bombay is hereby pleased to cancel its Notification, Finance Department (Supply), No.37/29517-IV-B, dated the 23rd December 1944, redelegating certain powers to the Paper Controller, Government of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

RHB.
14.7.